

COPY

Serial No. 10/810,481 File No. C1104-7083.01 By JT
 Title: Multicolored Lighting Method and Apparatus
 Application of Georg B. Muller and Thor A. Lys Date: ndd

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| <input type="checkbox"/> Patent Application | <input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449 |
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| <input type="checkbox"/> Design Patent Application | <input type="checkbox"/> Petition for Ext. of Time (x2) |
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| <input type="checkbox"/> Utility Patent Application Transmittal | <input checked="" type="checkbox"/> Brief (x3) |
| <input type="checkbox"/> Fee calculation sheet (x2) | <input checked="" type="checkbox"/> Check for \$ <u>180.-</u> Check # <u>2133</u> |
| <input type="checkbox"/> CPA Transmittal | <input checked="" type="checkbox"/> Transmittal Letter (x2) |
| <input type="checkbox"/> Verified Statement claiming small entity status | <input checked="" type="checkbox"/> Part. of Mailing under 37 CFR 1.8(a) |
| <input type="checkbox"/> Assignment and Cover Sheet | |
| <input type="checkbox"/> Other _____ | |



DATE MAILED March 23, 2005

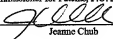
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George G. Mueller and Ihor A. Lys
 Serial No: 10/810,481
 Confirmation No: 9785
 Filed: March 26, 2004
 For: MULTICOLORED LIGHTING METHOD AND
 APPARATUS
 Examiner: H. Philogene
 Art Unit: 2828

 **COPY**

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 23 day of March, 2005.


 Jeanne Chub

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450


Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement, Form PTO- 1449 and Copies of Cited Reference
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check for \$180.00 is enclosed. If the amount is insufficient, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,
 George G. Mueller and Ihor A. Lys, Applicants

By: 
 Joseph Teja, Jr., Reg. No. 45,157
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Date: March 23, 2005

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Jerome W. Chub

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following document from the litigations, together with all exhibits filed therewith:

- Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Inequitable Conduct."
- Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Infringement"
- Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Invalidity"
- Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Opening Memorandum Concerning Claim Construction"

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner's understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

PART III: Additional Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

George G. Mueller, et al., Applicants

By: 

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March 23, 2005

FORM PTO-1449/A and B (Modified)			APPLICATION NO.: 10/810,481	ATTY. DOCKET NO.: C11047082.21
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			FILING DATE: March 26, 2004	
			APPLICANT: George G. Mueller, et al.	
			GROUP ART UNIT: 2828	EXAMINER: H. Philogene
Sheet	1	of	1	

U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		6,787,999	B2	Stinnac et al.	09/07/2004

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		IP	2-269939			11/05/1990	Y

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		United States District Court, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Inequitable Conduct."	
		United States District Court, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Infringement"	
		United States District Court, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Motion for Summary Judgment on the Issue of Invalidity"	
		United States District Court, Case No. 02 CV 11137 MEL, Color Kinetics Incorporated v. Super Vision International, Inc., "Super Vision International, Inc.'s Response to Color Kinetics' Opening Memorandum Concerning Claim Construction"	
EXAMINER			DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.